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13 Chapter 7 Trustee

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15 **UNITED STATES BANKRUPTCY COURT**
16
17 **CENTRAL DISTRICT OF CALIFORNIA**

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19 **LOS ANGELES DIVISION**

20 In re Case No. 2:20-bk-21022-BR
21 GIRARDI KEESE, Chapter 7
22 Debtor. STIPULATION AUTHORIZING
23 RESERVATION OF FEES AND EXPENSES AND DISTRIBUTION OF SETTLEMENT PAYMENT TO CLIENT (M. RUSSO/ROUTE 91)
24 [No Hearing Required]

25 **TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE:**

26 Elissa D. Miller, the chapter 7 trustee of the bankruptcy estate of Girardi Keese
27 (the "Trustee") and Panish Shea & Boyle LLP ("PSB"), and M.Russo (the "Client"),
28 through their attorneys, enter into this *Stipulation Authorizing Distribution of Settlement
Payment to Client (M. Russo/Route 91)* (the "Stipulation") as follows:

29
30 **RECITALS**

31 A. On December 18, 2020 (the "Petition Date"), an involuntary chapter 7
32 bankruptcy petition ("Petition") was filed against Girardi Keese ("Debtor"). As of the filing
33

1 of the involuntary petition, Debtor was counsel of record in a significant number of
2 matters which were undertaken on a contingency basis.

3 B. The petitioning creditors moved for the appointment of an interim trustee
4 which was granted by the Court by order entered January 5, 2021. The Trustee was
5 appointed as the interim chapter 7 trustee on January 6, 2021. The order for relief was
6 entered January 13, 2021 and, the same date, the Trustee was reappointed and has
7 been serving in that capacity since.

8 C. Prior to the Petition Date, the Debtor was retained by the Client to represent
9 them in an action pending in the Eighth Judicial District Court, for the County of Clark,
10 Nevada, entitled *Rachel Sheppard, et al, v. MGM Resorts International, et al*, Case No.
11 A-18-769752-C (the "Route 91 Case").

12 D. Pursuant to the fee agreement, the Debtor was to receive a percentage of
13 the gross settlement payments (the "Contingency Fee"), plus reimbursement of costs. In
14 2020, the Debtor associated PSB to prosecute the case on behalf of the Client and
15 reached an agreement regarding the allocation of the Contingency Fee so that the Debtor
16 was to receive 65% and PSB was to receive 35%.

17 E. The Debtor incurred costs of \$2.60, PSB incurred costs of \$29.72 and the
18 Client's share of pro rata common costs of \$4.59.

19 F. The Trustee is advised that the Client has reached a settlement in the
20 Route 91 Case. Based on the settlement amount, the Contingency Fee is \$1,500.00.

21 G. Due to the Debtor's bankruptcy, the parties are seeking confirmation of the
22 proposed distribution of the Settlement Amount as set forth in this Stipulation.

STIPULATION

24 In light of the foregoing, the parties stipulate as follows:

25 From the amount awarded to the Client, PSB will pay the following:

26 (1) \$554.72 to PSB, comprised of \$525.00 for its portion of the Contingency
27 Fee, \$29.72 for costs;

28

1 (2) \$977.60 to the Trustee, comprised of \$975.00 for the Debtor's portion of the
2 Contingency Fee and \$2.60 for the Client's pro rata share of costs;
3 (3) \$4.59 to PSB for common costs; and
4 (4) The balance of the Settlement Amount will be remitted by PSB to the Client.

5 **IT IS SO STIPULATED.**

6
7 DATED: August 23, 2021

SMILEY WANG-EKVALL, LLP

8
9 By: /s/ Kyra E. Andrassy
10 KYRA E. ANDRASSY
11 Attorneys for Elissa D. Miller, Chapter 7
12 Trustee of Girardi Keese

13
14 DATED: August ¹⁸____, 2021

PANISH SHEA & BOYLE LLP

15
16 By: Matthew Stumpf
17 MATTHEW STUMPF, Attorneys for the Client

18
19 DATED: August ²¹____, 2021

M. Russo (Client)



PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled (*specify*): **Stipulation Authorizing Reservation of Fees and Expenses and Distribution of Settlement Payment to Client (M. Russo/Route 91)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) **8/24/2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) **8/24/2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1660
Los Angeles, CA 90012

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

8/24/2021
Date

Lynnette Garrett
Printed Name

/s/ Lynnette Garrett
Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.